

REMARKS

A telephone interview between the Examiner and Messrs. Dennis M. Smid (one of applicant's undersigned attorneys) and Mayush Singhvi (one of applicant's patent agents) was held on September 11, 2003. The applicant and Messrs. Smid and Singhvi wish to thank the Examiner for his time and consideration for such interview.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 1, 6, 7, 10, 15, 16, 19, 24, 25, 28, 33, and 34 have been canceled without prejudice. Claims 3, 5, 8, 12, 14, 17, 21, 23, 26, 30, 32, and 35 and amended claims 2, 4, 9, 11, 13, 18, 20, 22, 27, 29, 31, and 36 are in this application.

Claims 2, 11, 20, and 29 were objected to by the Examiner. Claims 2, 11, 20, and 29 have been amended herein and withdrawal of the objection is respectfully requested.

Claims 1, 6, 7, 10, 15, 16, 19, 24, 25, 28, 33, and 34 are rejected under 35 U.S.C. §102(b) as being anticipated by Anderson et al (US 5,917,488). As previously mentioned, claims 1, 6, 7, 10, 15, 16, 19, 24, 25, 28, 33, and 34 have been cancelled.

Claims 2-5, 8, 9, 11-14, 17, 18, 20-23, 26, 27, 29-32, 35, and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Claims 2, 4, 9, 11, 13, 18, 20, 22, 27, 29, 31, and 36 have been rewritten herein in independent form to include some of the limitations of their respective base claims and any intervening claims. As discussed in the September 11th interview, the feature of “generating image data corresponding to a mode corresponding to said data file,” which was in each of the base claims has been omitted from rewritten claims 2, 4, 9, 11, 13, 18, 20, 22, 27, 29, 31, and 36. Therefore, withdrawal of the objection to claims 2-5, 8, 9, 11-14, 17, 18, 20-23, 26, 27, 29-32, 35, and 36 is respectfully requested.

This is in response to the Examiner's Statement of Reasons for the Indication of Allowable Subject Matter, which accompanied the Office Action mailed June 18, 2003. To the extent the Examiner's Statement of Reasons for the Indication of Allowable Subject Matter states, implies or is construed to mean that the claims are allowable over the prior art of record because the Examiner believes the claims should be interpreted to include one or more features or limitations not recited therein, Applicants' attorney disagrees with such an interpretation. Moreover, it is Applicants' contention that there is no particular limitation in the allowed claims that is more critical than any other. The issuance of the Examiner's Statement of Reasons for Allowance should not be construed as a surrender by Applicants of any subject matter. It is the intent of Applicants, by their attorney, to construe the allowed claims so as to cover the invention disclosed in the instant application and all equivalents to which the claimed invention is entitled.

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450100-03199

Since all the claims in this application have been indicated as being allowable, an
early Official Notice to that effect is solicited.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



Dennis M. Smid
Reg. No. 34,930
(212) 588-0800